



COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

APPROVED

Tuesday, October 13, 2020

The County Council for Montgomery County, Maryland convened via video conference at 9:34 A.M. on Tuesday, October 13, 2020.

PRESENT

Councilmember Sidney Katz, President

Councilmember Gabe Albornoz

Councilmember Evan Glass

Councilmember Nancy Navarro

Councilmember Tom Hucker, Vice President

Councilmember Andrew Friedson

Councilmember Will Jawando

Councilmember Craig Rice

Councilmember Hans Riemer

The President in the Chair.

PRESENTATIONS

- A. Proclamation was presented by Mr. Katz and County Department of Energy recognizing Energy Awareness Month.
- B. Proclamation was presented by Mr. Glass celebrating Story Tapestries' 10 Year Anniversary.
- C. Proclamation was presented by Ms. Navarro recognizing Indigenous Peoples' Day.

GENERAL BUSINESS

- A. **Announcements** - Agenda and Calendar Changes

Ms. Singleton, Clerk of the Council, announced an addendum to the agenda, deferring consideration of the County Executive's appointments to the Board of License Commissioners: W. Gregory Wims and Laurie Halverson.

- (1) The Council is seeking applicants for 11 positions on the County's 11-member Commission on Redistricting. The deadline to apply for consideration is Monday, October 26, 2020, at 5 P.M.

(2) B. **Acknowledgement -**

Receipt of Petitions

Acknowledged receipt of petitions from residents of Montgomery County opposing **Bill 39-20**, Taxation - Recordation Tax - Amendments; and opposing Zoning Text Amendment 20-01, Solar Collection System - AR Zone Standards.

C. **Action - Approval of Minutes**

Approved the minutes of June 16, 2020, without objection.

(3) **CONSENT CALENDAR**

A. **Action - Confirmation of County Executive appointments to the Board of License Commissioners:** W. Gregory Wims, Laurie Halverson.

This item was deferred to October 20, 2020.

(4) **ACTION - County Executive's appointee as Chief Behavioral Health and Crisis Services, Department of Health and Human Services (DHHS): Rolando Santiago**

Adopted **Resolution 19-622**, approving Mr. Rolando Santiago as Chief, Behavioral Health and Crisis Services, DHHS.

Mr. Albornoz made the motion, which carried unanimously.

(5) **COUNCIL SITTING AS BOARD OF HEALTH**

A. **Update - Novel Coronavirus (COVID-19) and County Public Health Planning**

Participating in the discussion were Dr. Bridgers, Deputy Public Health Officer, DHHS; and Dr. Stoddard, Director, Office of Emergency Management and Homeland Security (OEMHS).

Received information that there has been a slight increase in the number of COVID-19 cases in the County, with 120 cases reported today, and a test positivity rate of 2.2 to 2.3 percent with a case count of 8.5 per 100,000 people. Dr. Bridgers said he and Dr. Gayles, Public Health Officer, are reviewing the data to determine if any policy changes are needed to avoid a further uptick in cases. Regarding testing, it is available today at the Twinbrook Recreation Center and additional sites are being located in the Rockville area; outdoor garages and construction projects are being identified as possible testing sites as well as indoor spaces in the schools and at recreation centers. Dr. Bridgers noted that testing fatigue is occurring and messaging is being increased to encourage residents to be tested, the importance of remaining vigilant, and the need for accurate contact tracing. They are looking at vendors to provide rapid testing for first responders and health care workers. Data shows that large family gatherings are spreading the virus; and as cold weather sets in, residents are encouraged to be mindful of indoor spaces and to make plans to minimize exposure at holiday family gatherings and encourage family members to get tested even if asymptomatic; and returning college students should quarantine and wear face masks at home. Responding to questions, Dr. Bridgers said there are no trends suggesting a change in the morbidity rate among people of color or in the rate of transmission in the Latinx community, and cases have not increased in nursing homes and assisted living communities.

Dr. Stoddard reported that 200 late-night alcohol sales permits have been issued, they are continuing to look at enforcement mechanisms, and worked with the Chief Equity Officer to ensure the equitable distribution of non-complaint-based enforcement. He noted that the Federal Emergency Management Agency (FEMA) emergency funding is scheduled to end October 31, and hoped to see an extension for FEMA funds, as well as an extension of the federal food distribution program. They are scheduled to meet tonight with the Community Recovery Advisory Group and are continuing to meet with non-public schools and theater organizations to review plans for reopening accommodations. They are also working on guidelines for HVAC ventilation and filtration requirements for businesses.

Councilmembers commented on President Trump's downplaying of the seriousness of the virus and the County's competing messaging encouraging residents to practice social distancing, wear face coverings, and avoid large gatherings. Mr. Katz requested information on how often hospital staff are tested. Information on testing locations is available on the COVID-19 website or by calling 240-777-1755.

Dr. Bridgers indicated they are looking at plans for access to care should the Supreme Court overturn part of the Affordable Care Act (ACA).

Mr. Albornoz said a Health and Human Services (HHS) Committee meeting would be scheduled to discuss any changes to the ACA as well as the County's response.

The Council recessed at 11:03 A.M and reconvened at 12:06 P.M.

(6) **Virtual Brown Bag Lunch with Regional Services Center (RSC) Directors**

Participating in the discussion were Mr. Bandeh, Mr. Hartman, Ms. Matthews, Mr. Rodriguez and Ms. Montero-Diaz, RSC Directors; and Ms. Kassiri, Deputy Chief Administrative Officer.

Received an update from each Director on regional activities and strategies related to COVID-19-testing and equity "hub" approach to delivery of essential services; early voting preparations and expectations of turnout and what is needed for line management; creative "streeteries" partnerships and promotions; promotion of census completion; promotion of food distribution sites; efforts to prepare businesses to "winterize" operations, including heating lamps and tents for safe outdoor seating; drive-in movie events; pop-up parks; breweries; and relief funding program outreach for small businesses.

Mr. Albornoz thanked corporate partners, like Westfield and SoccerPlex, that have hosted COVID testing sites and acknowledged the new nonprofit organizations that are contributing to needs caused by the pandemic. Requested that these corporate and new nonprofit partners are tracked for future outreach to leverage and expand upon their efforts.

Mr. Rice shared his experience getting a COVID-19 test while on a lunch break and noted how the Germantown location is efficiently cycling through residents. He asked about winterization of restaurants to continue with outdoor seating and what outreach is being done on availability of relief funds. Noted that the demand for indoor seating will increase and that the County needs to be prepared to help restaurants.

Ms. Navarro requested clarification on the communication channels with service centers in Wheaton and suggested a streamlined approach to quickly address questions on winterizing of Wheaton streeteries and restaurants, access to Wheaton testing centers, and promotion of the Small Business Impact program as businesses close and reopen.

Mr. Friedson commented that indoor activities can be dangerous and that the County has allocated increased resources toward outdoor streeteries. Suggested that providing of cost-prohibitive equipment for owners, such as heat lamps and tents, be revisited for businesses.

Mr. Glass discussed the 2020 election effort and requested updates on early voting preparations and strategies, management of long wait lines, and plans for inclement weather.

Mr. Hucker noted the need for more time and investment to be spent on winterizing businesses for more outdoor seating and activities. He referenced a [National Geographic article](#) on outdoor living and the positive affect on physical and mental health, and happiness with increased outdoor activity levels in Norway as a benchmark for how the County can manage the pandemic in the winter months.

The meeting recessed at 12:58 P.M. and reconvened at 1:34 P.M.

- (7) **PUBLIC HEARING** - Supplemental Appropriation #2-S21-CMCG-1 to the County Government's FY21 Capital Budget and Amendment to the FY21-26 Capital Improvements Program (CIP), Department of Environmental Protection (DEP) - \$4,700,000 for Transfer Station Fire Detection and Suppression System

The public hearing was conducted. Mr. Jawando was temporarily absent. Additional material for the Council's consideration should be submitted by the close of business on October 16, 2020. A Transportation and Environment (T&E) Committee worksession is tentatively scheduled for October 21, 2020.

- (8) **PUBLIC HEARING/ACTION** - Supplemental Appropriation to Montgomery County Public School's (MCPS) FY21 Operating Budget - \$374,031 for the Governor's Emergency Education Relief (GEER) Fund - Innovative Approaches to Connecting with Students Project Grant

The public hearing was conducted and the record closed.

Adopted **Resolution 19-623**, approving the subject supplemental appropriation. Mr. Rice made the motion, which carried unanimously.

(9) **BRIEFING - Coronavirus Relief Fund**

Participating in the discussion were Mr. Madaleno, Chief Administrative Officer (CAO); Dr. Stoddard, Director, OEMHS; Mr. Wu, Chief Executive Officer (CEO) and President Montgomery County Economic Development Corporation (MCEDC); Ms. Michaelson, Council Executive Director; and Mr. Howard, Deputy Director.

Received background information on the federal Coronavirus Relief Fund (CRF), as established by the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act, which appropriated \$150 billion to the fund. Montgomery County received \$183,336,953 from the federal CRF and has passed 31 resolutions for close to 25 different programs to assist residents and businesses. Noted that funds must be used by December 31, 2020.

Ms. Michaelson provided an update and reviewed information, as contained in the staff report, on the status and tracking of funds, concentrating on where expenditures for program appropriations have not been made or where only partial expenditures have been made, in particular the Emergency Assistance Relief Payment (EARP) Program; 3R Program (Reopen, Relaunch, Reimagine) - Economic Development; Food Assistance/Security; Reopen Montgomery Initiative; Business Assistance for Medical and Dental Clinics; and Rental Assistance and Eviction/Homelessness Prevention.

Executive staff noted that funds for the EARP Program are expected to be fully spent by the end of the year; Mr. Wu stated that MCEDC expects funds to be fully expended for the 3R Program; funds for Food Assistance/Security are expected to be fully spent and it is anticipated that additional funds will be necessary; noted that because awards were capped at \$5,000 for the Reopen Montgomery Initiative, there may be a need to revisit the guidelines for the program and it was stated that at this point, it is not envisioned that the entire \$14 million will be spent; acknowledged that the Business Assistance for Medical and Dental Clinics was slow to get off the ground that no funds, of the \$3,000,000 allocated, have been used so far; and that applications are still being solicited for Rental Assistance and Eviction/Homelessness Prevention and it is anticipated that funds will be spent by the end of the year.

Received an update on some of the difficulties with FEMA, including a complicated submission process, changes to reimbursement guidelines, extensive required paperwork, and slowness by FEMA in processing and issuing reimbursements. Noted that if FEMA can find one reason to not reimburse for expenditures, the submission will be rejected. Also, noted that FEMA normally kicks into full operational when an emergency event ends, very different from what is being experienced now with the ongoing emergency of the COVID-19 pandemic.

Update was followed by questions and comments from Councilmembers, many expressing frustration at the slowness in getting funds out to residents and businesses that are struggling and desperately in need of assistance. Concern was also expressed about the looming end-of-year deadline for reimbursement by FEMA.

Ms. Navarro requested that weekly updates be provided by Executive staff regarding expenditures of CRF dollars.

Mr. Howard provided an update and reviewed information, as contained in the staff report, on the COVID-19 pay differential, noting that for the six pay periods ending September 26, 2020, it has cost \$49.2 million and that the County has yet to apply to FEMA for reimbursement. Executive staff noted that a submission will be made by the end of October and that it is likely the County will need to cover much more than the originally expected 25 percent of the total cost of the pay differential.

Councilmembers expressed dismay that if the current policies continue, the cost of the pay differential could reach \$72 million by the end of the year. Discussed the significant fiscal liability to the County, obligations with employee unions, and lower costs for hazard pay in neighboring jurisdictions.

Mr. Friedson requested that a copy of the November pay differential reimbursement submission to FEMA, executive summary and full submission, be sent to the Council, as well as FEMA's decision on the submission once it is received. Also requested a copy of the \$24 million submission to FEMA for eligible procurement expenditures for protective equipment and other goods from March to July.

(10) DISTRICT COUNCIL SESSION

Worksession - ZTA 20-01, Solar Collection System - AR Zone Standards

Participating in the discussion was Mr. Zyontz, Legislative Analyst.

Mr. Riemer, Chair of the Planning, Housing and Economic Development (PHED) Committee, reviewed the purpose of the subject ZTA. Mr. Zyontz provided background regarding the ZTA and highlighted the committee recommendation, as contained in the staff report.

Discussed the need to hear from stakeholders in the Agriculture Reserve, especially because of the lack of broadband service in that area and the inability of many to participate in meetings via Zoom or video conferencing. Suggestions were made on how best to involve stakeholders, possibly through a task force or workgroup.

Mr. Katz stated that he will meet with Mr. Riemer and Mr. Hucker, Co-Chairs of the joint PHED and T&E Committee, and come back to the Council with a recommendation to ensure additional stakeholder engagement on ZTA 20-01.

The meeting adjourned at 5:44 P.M.

This is a correct copy of Council action.

Approved/Signed by Clerk of the Council

Selena Mendy Singleton, Esq.
Clerk of the Council